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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,061	12/12/2000	Christian R. Kraft	200-009997-US(PAR)	3415

7590 06/17/2003

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[REDACTED] EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
2683	5

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/735,061	Applicant(s) Kraft
Examiner Meless Zewdu	Art Unit 2683



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_
- 2a)  This action is FINAL.      2b)  This action is non-final. /
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) NONE is/are withdrawn from consideration.
- 5)  Claim(s) NONE is/are allowed.
- 6)  Claim(s) 1-16 is/are rejected.
- 7)  Claim(s) NONE is/are objected to.
- 8)  Claims NONE are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Feb 22, 2001 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-16 are pending in this action.

*Specification*

3. The abstract of the disclosure is objected to because the text "Fig. 7". Such reference to a figure can be included in the body of the abstract, but not outside of the abstract paragraph as it appears here and now. Correction is required. See MPEP § 608.01(b).

*Claim Rejections - 35 USC § 112*

4. Claim 5 recites the limitation "said software application" in 20. There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1, 3, 5, 6 and 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Aoki (US 5,977,880).

**As per claim 5:** a wireless communication terminal having a message exchange session handling application for handling messages in a message exchange session in a wireless communication system, said terminal comprises:

    said software application further having means for relying to a message during a message exchange session reads on ‘880 (see col. 7, line 44-col. 8, line 18).

    said replying means includes

        means for entering a text message reads on ‘880 (see fig. 5, element 26; col. 7, lines 24-35; col. 10, lines 7-16).

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means for adding said text message input to the received message text for generating an aggregate message text for replying reads on '880 (see col. 3, lines 29-60; col. 15, lines 34-39; col. 16, lines 49-57; col. 30, lines 10-12).

**As per claim 6:** claim 6 is same as claim 5, except claim 6 being a software application to be used in/by the wireless terminal defined by claim 5, and which reads on '880 (see figs 27-32; col. 30, lines 10-12). The flowcharts in the prior art are function of a software application.

**As per claim 9:** a method for handling a message exchange session between wireless communication terminals including the steps of:

generating a list of communication terminals to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60; col. 5, line 44-col. 6, line 15).

transmitting said message test to the communication terminals on said list reads on '880 (see col.3, lines 14-60; col.15, lines 34-39; col. 16, lines 49-57).

receiving a reply from one of the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col. 8, lines 40-65).

transmitting the reply from said one of the communication terminals to the communication terminals listed on said list reads on '880 (see col. 3, lines 29-60; col.15, lines 34-39; col. 16, lines 49-57). Inputting message text has bee addressed in claim 5.

**As per claim 10:** a method wherein said message text is successively transmitted to each of said communication terminals listed on said list reads on '880 (see col. 21, lines 30-40; col. 28, lines 38-47). According to the prior art the messages are transmitted successively or in batch.

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**As per claim 11:** a method wherein said reply is successively retransmitted to each of said communication terminals listed on said list apart from the replying one reads on '880 (see col. 3, lines 14-60; col.15, lines 34-39; col. 16, lines 49-57) and also (see col. 21, lines 30-40; col. 28, lines 38-47).

**As per claim 12:** a method wherein the reply message text is automatically added above the previous message text prior to retransmission of the reply from said one of the communication terminals to the communication terminals listed on said list reads on '880 (see col.3, lines 14-60; col.15, lines 34-39; col. 16, lines 49-57).

**As per claim 13:** claims 9 and 13 are similar claims except claim 9 is a method claim and claim 13 is a means claim. Hence claim 13 is rejected on the same ground as claim 9.

**As per claim 14:** a wireless communication terminal wherein the transmission means successively transmits said message text to each of said communication terminals listed on said list reads on '880 (see col. 21, lines 30-40; col. 28, lines 38-47). According to the prior art the messages are transmitted successively or in batch.

**As per claim 15:** a wireless communication terminal wherein the transmission means successively re-transmits said reply to each of said communication terminals listed on said list apart from the replying one reads on '880 (see col. 3, lines 14-60; col.15, lines 34-39; col. 16, lines 49-57) and also (see col. 21, lines 30-40; col. 28, lines 38-47).

**As per claim 16:** a wireless communication terminal wherein the terminal includes means for adding the reply message text above the previous message text prior to the re-transmission of the

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reply from said one of the communication terminals to the communication terminals listed on said list reads on '880 (see col. 3, lines 14-60; col. 15, lines 34-39; col. 16, lines 49-57) and also (see col. 21, lines 30-40; col. 28, lines 38-47).

**As per claim 6:** the features of claim 6 are the same as the feature of claim 5, except claim 6 is directed to a computer program stored on a computer readable medium. Which reads on '507 (see col. 7, lines 5-23).

**As per claim 1:** a method for handling a message exchange session between wireless communication terminals via a wireless network, and including steps of:

initiating a message exchange session reads on '880 (see abstract).

identifying a first communication terminal at least one other communication terminal to be invited to participate in the message exchange session reads on '880 (see col. 3, lines 14-60).

inputting a message text reads on '880 (see fig. 5, element 26; col. 7, lines 24-35; col. 10, lines 7-16).

transmitting said message text to said at least one other communication terminal reads on '880 (see col. 3, lines 14-60; col. 15, lines 34-39; col. 16, lines 49-57).

responding to the received message by:

inputting a message text for replying to the received message reads on '880 (see fig. 5, element 26; col. 7, lines 24-35; col. 10, lines 7-16).

adding said inputted reply message text to the received message text , whereby the aggregate message text includes the message exchange history reads on '880 (see figs. 25-26B,

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32-35, particularly fig. 35; col. 3, lines 29-60; col. 15, lines 34-39; col. 16, lines 49-57; col. 30, lines 10-12). The question and answer messages shown in fig. 35 can be considered a message history.

transmitting said aggregate message text to the other communication terminal being party to the message session reads on '880 (see col. 3, lines 29-60; col.15, lines 34-39; col. 16, lines 49-57).

**As per claim 3:** claim 3 is the same as claim 1, with the exception of one difference which is provided hereinbelow, and except claim 3 is a system claim and claim 1 is a method claim the steps of which are to be carried out by the system of claim 3. Hence, with the exception of the difference limitation, the ground of rejection for claim 3 is the same as that of claim 1.

a receiver for receiving a reply from said at least one other communication terminal reads on '880 (see col. 3, lines 29-60; col. 8, lines 40-65).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of Raith (US 6,385,461 B1).

**As per claim 7:** a method for handling a message exchange session between wireless communication terminals via a wireless network, and including steps of:

routing the request message from the wireless communication terminal to a message exchange session handling server via the wireless network reads on '880 (see figs. 2, 3 and 37; col. 3, lines 14-60; col. 5, line 55-col. 6, line 10; col. 26, lines 47-49).

connecting in the message exchange session handling server the requesting wireless communication terminal to a group of communication terminals reads on '880 (see figs. 2, 3 and 37; col. 3, lines 14-60; col. 5, line 55-col. 6, line 10; col. 26, lines 47-49).

handling a message text in said message exchange session handling server by successively adding received message text from group of communication terminals to the message text in order to update the message text reads on '880 (see col. 3, lines 14-60; col. 6, lines 1-10; col. 15, lines 34-39; col. 16, lines 49-62). The addition of one message to another is considered an update.

transmitting the updated message text to the group of communication terminals participating in the message exchange session reads on '880 (see col. (see col. 3, lines 29-60; col.15, lines 34-39; col. 16, lines 49-57). But, Aoki does not explicitly teach about a means of point-to-point short message service used in a group session/call in a wireless network, as claimed by applicant. However, in a related field of endeavor, Raith teaches about the use of point-to-point short message service utilized by user group in a cellular network (see col. 2, lines 36-55;

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col. 3, line 59-col. 4, line 49; col. 7, line 21-col. 8, line 43). Raith also teaches that all cellular standards currently support the SMS service. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Aoki with that of Raith for the advantage of Aoki's terminal/s to be supported by the SMS standard which is widely used by the wider wireless communication systems.

**As per claim 8:** claim 8 is the same as claim 7, except claim 8 is a system claim and claim 7 is a method claim the steps of which are to be carried out by the system defined in claim 8. Hence, claim 8 is rejected on the same ground and motivation as claim 7.

9. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to claims 1 and 3 above, and further in view of Raith.

**As per claim 2:** but, Aoki does not explicitly teach about a method wherein a point-to-point short message service in the wireless network is used as message exchange session. However, Raith teaches this feature as discussed in the rejection of claim 7. So, ground of rejection and motivation for claim 2, is the same as that provided in claim 7.

**As per claim 4:** but, Aoki does not explicitly teach about a wireless communication wherein the transmitter transmits the message text by means of a point-to-point short message service in the wireless network, as claimed by applicant. However, Raith teaches this feature as discussed in the rejection of claim 7. So, ground of rejection and motivation for claim 4, is the same as provided in claim 7.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless Zewdu whose telephone number is (703)306-5418. The examiner can normally be reached on week days from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost (703)308-5318.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Six Floor (Receptionist).

Any inquiry of a general nature or related to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

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**¶ 5.03 Reassignment Affecting Application Location**

The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2683.

Meless Zewdu

*M. Z.*

Examiner

June 6, 2003.



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